

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAVID ROMERO,	)	3:12-cv-00567-MMD-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
vs.	)	
	)	May 16, 2013
NEWMONT USA LIMITED,	)	
	)	
Defendant	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Before the court is the parties' proposed Discovery Plan and Scheduling Order. (Doc. # 19.) Counsel suggest suspending the time period within which the parties have to complete discovery to 180 days "from the date the Court resolves Defendant's pending motion to dismiss." They explain that the motion to dismiss presents "legal issues only and does not raise any factual issues." Counsel note that the witnesses who may have to be deposed, should the motion be denied, are either out of state or "in remote areas of Eastern Nevada." They seek to avoid discovery costs should the motion be granted. (*Id.*)

While the court sympathizes with the parties' positions, the court is not inclined to defer discovery indefinitely as the proposed plan provides. The court will, however, delay the entry of a Discovery Plan and Scheduling order for sixty (60) days. If no decision has been entered on the motion to dismiss by **July 16, 2013**, the parties shall submit a new discovery plan and scheduling order which reflects that the last day for discovery shall be 180 days after that date. The other deadlines required by LR 26-1 will be inserted into the Discovery Plan and Scheduling Order and will timely be submitted to the court for consideration. The Plan and Order shall set forth the history of the case to include the subjects addressed in this order.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: /s/  
Deputy Clerk